

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LONTEX CORPORATION,	CIVIL ACTION
v.	NO. 18-5623
NIKE, INC.	

ORDER RE MOTIONS TO COMPEL AND FOR SANCTIONS

AND NOW this 30th day of September, 2020, following a recorded telephone conference with counsel on September 29, 2020, and **ORDERS** as follows:

1. Concerning Lontex’s Motion to Compel (ECF 171), the Court finds that the Order during the recorded telephone conference on March 13, 2020, required Nike to produce a managerial witness who was knowledgeable about sales, sales practices and policies, and distribution, under Rule 30(b)(6). The Court finds that the witness which Nike did produce was not knowledgeable as to these issues.

2. Nike produced a witness whose title is Senior director, global Nike athlete training and service excellence. While the witness was able to testify generally about Nike’s philosophy for training store employees, the witness had limited interactions with store employees and was not prepared to respond to questions regarding the retail sales practices of Nike store employees. Specifically, the witness was unable to answer questions regarding how store employees referred to products and training that store employees received regarding specific product features.

3. The Court’s Order was not restricted to “actual” sales as Nike contends. The Court will require both parties, within ten (10) days, to confer on how to remedy this. Counsel shall then file either a joint statement on their proposed remedial measures, or separate

statements, limited to three (3) pages, double-spaced, each, within twenty-one (21) days from this date.

4. Concerning the issue of production of documents, the Court will **ORDER** Nike to produce documents which it has recently located which use the relevant terms in this case (i.e., “Lontex”, “Cool Compression” [those two words in that order] or “Sweat it Out”), within fourteen (14) days. The parties shall confer as to whether any deposition should follow this production and file either a joint report or separate reports, limited to three (3) pages each on this issue, within twenty-one (21) days.

5. With regard to the Motion for Sanctions (ECF 168), the parties shall supply a letter limited to two (2) pages, double-spaced, within fourteen (14) days with citations of any reported case which either granted or denied sanctions for similar behavior, considering the Court finds the explanation offered by Michael Schwartz, Esquire was credible.

BY THE COURT:

s/ Michael M. Baylson

MICHAEL M. BAYLSON, U.S.D.J.

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